

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEANNA JOHNSON,

Plaintiff,

v.

FORD MOTOR COMPANY,

Defendant.

Case No. 19-cv-10167

Honorable Gershwin A. Drain

Magistrate Judge Elizabeth A. Stafford

**ORDER DENYING MOTION FOR EMERGENCY PROTECTIVE ORDER
(ECF NO. 112)**

The Court granted in part Ford Motor Company's motion to compel, requiring N1 Discovery to produce all text messages between Plaintiff DeAnna Johnson and "Jody," and allowing Ford to depose NA. ECF No. 111. The order was based on the belief that N1 had captured 86 deleted text messages between Johnson, Jody, and Nick Rowan. See ECF No. 107-1; ECF No. 110. But Johnson's counsel, Carol Laughbaum, later informed Ford that N1 had never forensically examined the Johnson's devices. ECF No. 113, PageID.2330. Laughbaum suggested having another vendor examine the phone, but the parties made no agreement about the details of another forensic examination.

With trial fast approaching, on June 21, 2023, Ford re-noticed N1's deposition for July 3, 2023; it was originally scheduled for July 11, 2023. Laughbaum said that she will be traveling from July 1 to July 10, 2023. She asks for a protective order to require that the deposition proceed on July 11. But Laughbaum did not respond to the suggestions by Ford's counsel that the deposition should be short and that another attorney of Laughbaum's firm could appear at the deposition on behalf of Johnson. See ECF No. 113-5, PageID.2355.

Ford and the Court were misled into believing that N1 could access the text messages. Laughbaum likely did not know that when she appeared at the hearing on the motion to compel, but she should have. And as noted during that hearing, Johnson should have produced the text messages long ago, and time is now of the essence. The Court thus finds that the onus should be on Laughbaum to appear at the deposition in person or by video (if that can be arranged), or to find another member of her firm to appear. Johnson's motion for protective order is **DENIED**.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: June 30, 2023

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court’s ECF System to their email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 30, 2023.

s/Marlana Williams
MARLENA WILLIAMS
Case Manager